

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. 8:24-cv-01568-JVS-JDE Date August 27, 2024

Title Masimo Corporation v. Politan Capital Management LP et al

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Present: The Honorable **James V. Selna, U.S. District Court Judge**

Elsa Vargas

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: [IN CHAMBERS] Order Regarding Motion to Dismiss [78]**

Before the Court is Defendants Politan Capital Management LP, Politan Capital Management GP LLC, Politan Capital Partners GP LLC, Politan Capital NY LLC, Politan Capital Partners LP, Politan Intermediate Ltd., Politan Capital Partners Master Fund LP, Politan Capital Offshore Partners LP, Quentin Koffey, Michelle Brennan, William Jellison, Darlene Solomon, Matthew Hall, and Aaron Kapito's (collectively "Defendants") Amended Motion to Dismiss Plaintiff Masimo Corporation's ("Masimo") Complaint. (Am. Mot. to Dismiss, Dkt. No 78.) Masimo filed their Complaint on July 15, 2024. (Dkt. No. 1.) Defendants filed the instant Motion on August 18, 2024. (Am. Mot. to Dismiss.) Masimo filed a First Amended Complaint ("FAC") on August 26, 2024. (Dkt. No. 122 (redacted).)

When an amended complaint is filed, the original complaint "cease[s] to exist." Ramirez v. Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015). Here, the FAC supersedes Masimo's Complaint. The FAC was filed on August 26, 2024, after Defendants filed the Amended Motion to Dismiss. This filing was timely under Federal Rule of Civil Procedure 15(a)(1)(B). Fed. R. Civ. P. 15(a)(1)(B) ("A party may amend its pleading once as a matter of course no later than . . . 21 days after service of a motion under Rule 12(b), (e), or (f)."). Therefore, Defendants' Amended Motion to Dismiss is moot. See Ramirez, 806 F.3d at 1008 ("Because the Defendants' motion to dismiss targeted the Plaintiffs' [Complaint], which was no longer in effect, we conclude that the motion to dismiss should have been deemed moot before the district court granted it.").

Accordingly, the Court **DENIES** Defendants' Motion to Dismiss as moot. The Court finds that oral argument would not be helpful in this matter and **VACATES** the September 9, 2024, hearing on the Amended Motion to Dismiss. Fed. R. Civ. P. 78; L.R.

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7-15. Masimo's Motion for a Preliminary Injunction, (Dkt. No. 13), remains on the calendar for September 9, 2024.

**IT IS SO ORDERED.**